

REMARKS

Applicants respectfully thank the Examiner for indicating that claims 3-6 and 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to clarify that the motor “directly drives a motor drive shaft” and that the drive gear is “driven by the drive shaft.” Support for the amendment may be found on page 4 in the second paragraph of the Detailed Description, which includes, “The drive unit 1 comprises an electric motor 5, on whose drive shaft 6 a drive gear 7 is arranged at least in a rotationally fixed manner.” In addition, Figure 1 shows the motor 5 in direct contact with drive shaft 6 on which drive gear 7 is located.

Claim 1 has also been amended to clarify that the gear segment is “internally toothed.” Support for the amendment may be found in the last paragraph on page 4, which describes an “internally toothed gear embodied as an internal gear segment 21.”

New claim 10 has been added.

A. The Rejections

Claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by US Patent No. 6,007,446 to Lang et al. (hereafter “Lang”).

Claims 1, 2, 7 and 8 were rejected under 35 U.S.C. 102(b) as anticipated by US Patent No. 2,499,928 to Misic (hereafter “Misic”).

B. Applicants’ Arguments

35 USC §102(b)

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the

claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). In this case, the Examiner has failed to establish a prima facie case of anticipation against claim 1 because both Lang and Mistic fail to teach, or even suggest, each and every element of claim 1 as arranged in claim 1.

In the present invention, as shown in Figure 1 and claimed in claim 1, the drive shaft 6 extends directly from the motor 5. A drive gear 7 is arranged on the drive shaft 6. The drive gear 7 drives the larger gear wheel 19 of a double gear 17. In contrast, Lang does not disclose a drive gear driven by the drive shaft that is directly driven by the motor. Specifically, Applicants respectfully assert that the element of Lang that the Examiner contends corresponds to the drive shaft of claim 1 is not a drive shaft because it does not drive the drive gear. Instead, it is integral with the drive gear. Unlike claim 1, this element the Examiner designates the drive shaft is not directly driven by the motor. Further, unlike claim 1 of the present invention, as shown in Fig. 3 of Lang, it is not the drive gear 21/22 of Lang that drives the larger gear wheel of the double gear, rather, it is the segment the Examiner designates as the drive shaft. Therefore, Lang fails to anticipate claim 1.

Further, Applicants respectfully assert that unlike the amended claim 1 of the present invention, Mistic fails to disclose the “internally toothed gear or internally toothed gear segment.” As asserted in Amendment B, submitted September 16, 2008, Mistic’s gear segment 72 is externally toothed as shown in Mistic Figure 3. Therefore, Mistic does not anticipate claim 1, or dependent claims 2, 7 and 8.

CONCLUSION

In view of the present amendment, Applicants respectfully assert that claims 1-10 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

The below-signed attorney for Applicants welcomes any questions.

Respectfully submitted,

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